

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

KUDZAI BLESSING CHANAIWA

Applicant for Registered Nurse License

Respondent.

Case No. 2012-569

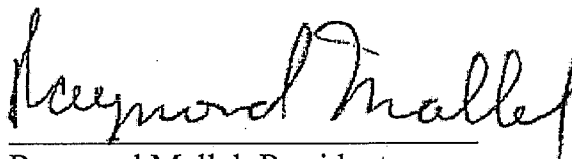
OAH No. 2012041157

DECISION

The attached proposed decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on January 14, 2013.

IT IS SO ORDERED this 14th day of December, 2012.



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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Against:

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Respondent.

Case No. 2012-569

OAH No. 2012041157

PROPOSED DECISION

Humberto Flores, Administrative Law Judge with the Office of Administrative Hearings heard this matter on September 10, 2012, in Los Angeles, California.

Deputy Attorney General Morgan Malek represented Complainant. Kudzai Blessing Chanaiwa (respondent) appeared personally and represented himself.

Evidence was received and the matter was submitted. The Administrative Law Judge finds as follows:

FACTUAL FINDINGS

1. Complainant Louise R. Bailey, M.Ed., R.N., filed the Statement of Issues in her official capacity as Executive Officer of the Board of Registered Nursing (Board), Department of Consumer Affairs.

2. On December 17, 2010, the Board received an application for a Registered Nurse License from respondent. The Board denied that application on April 15, 2011.

3. On September 3, 2004, in the Superior Court of California, County of San Luis Obispo (Case No. M000385633), respondent entered a plea of guilty and was convicted of violating vehicle Code section 23152, subdivision (b), driving with .08 percent or more of blood alcohol content, a misdemeanor that is substantially related to the duties, functions and qualifications of a registered nurse. Imposition of sentence was suspended and respondent was placed on probation for three years on certain conditions, including, inter alia, serving two days in the county jail, and completing a four-month DUI first offender program. The facts and circumstances of the conviction were that respondent drove his car with a blood alcohol content of .20 percent.

4. On April 5, 2006, in the Superior Court of California, County of San Luis Obispo (Case No. M000385633), respondent entered a plea of guilty and was convicted of violating vehicle Code section 23152, subdivision (b), driving with .08 percent or more of blood alcohol content, a misdemeanor that is substantially related to the duties, functions and qualifications of a registered nurse. Imposition of sentence was suspended and respondent was placed on probation for three years on certain conditions, including, inter alia, serving 15 days in the county jail, completing an 18-month DUI second offender program, and paying of a fine of \$1,810. The facts and circumstances of the conviction were that respondent drove his car with a blood alcohol content of .15 percent.

5. Respondent completed the probationary conditions imposed in the cases set forth above. Respondent stopped drinking alcoholic beverages in December 2008. He testified that the DUI second offender program included weekly Alcoholics Anonymous (AA) meetings. Respondent is currently taking classes at LA Trade Tech and plans on transferring to a four-year college.

LEGAL CONCLUSIONS

1. Cause exists to deny the application of respondent for a registered nurse license, under Business and Professions Code sections 480, subdivision (a)(1), 2736, and 2761, subdivisions (a) and (f), for the convictions set forth in Factual Findings 3 and 4.

2. Cause exists to deny the application of Respondent for a registered nurse license, under Business and Professions Code sections 480, subdivision (a)(1), 2736, and 2761, subdivisions (a) and (f), for committing acts that are grounds for discipline, as set forth in Factual Findings 3 and 4.

3. The Board has established guidelines to consider in determining whether revocation, suspension or probation is to be imposed in a given case as follows:

(a) Nature and severity of the act(s), offenses, or crime(s) under consideration. While driving under the influence is a serious offense, it is not a crime of moral turpitude.

(b) Actual or potential harm to the public. Respondent's conduct presents a potential harm to the public

(c) Actual or potential harm to any patient. There was no evidence presented that respondent has presented to work in an inebriated state. However, conduct shows careless decision making in 2004 and 2006.

(d) Prior disciplinary record. This factor is not applicable.

(e) Number and/or variety of current violations. Respondent committed two offenses, the last of which occurred six years ago.

(f) *Mitigation evidence.* Respondent did not present mitigation evidence.

(g) *Rehabilitation evidence.* Respondent has completed a court-ordered 18-month alcohol rehabilitation program, which included weekly AA meetings.

(h) *In the case of a criminal conviction, compliance with conditions of sentence and/of court-ordered probation.* Respondent has complied with all probationary conditions and completed probation in 2009.

(i) *Overall criminal record.* Other than his two DUI convictions, respondent has a clean criminal record.

(j) *Time passed since the act(s) or offense(s) occurred.* Respondent's last conviction and the underlying conduct occurred more than six years ago.

(k) *If applicable, evidence of expungement proceedings pursuant to Penal Code Section 1203.4.* Respondent has not applied for expungement under Penal Code section 1203.4.

4. Respondent established rehabilitation as set forth in Factual Finding 5. He has four years of sobriety, and the evidence did not establish that respondent suffers from alcoholism. His last conviction occurred more than six years ago. He completed all of the probationary conditions imposed by the Superior Court, including an 18-month alcohol rehabilitation program. While respondent presented evidence of rehabilitation, the Board must insure that the public is protected. Therefore, any license issued to respondent should include a period of probation under appropriate conditions that address the Board's concern over respondent's past use of alcohol. The Board has established probationary conditions, including a mental health evaluation, that specifically address the potential that an applicant or licensee has a drinking problem that might affect the manner in which he provides care to a patient. A probationary order which includes these conditions would adequately protect the public.

ORDER

The application of respondent Kudzai Blessing Chanaiwa for a registered nurse license is granted. The registered nurse license issued pursuant to this order shall immediately be revoked, the order of revocation stayed and respondent placed on probation for 18 months on the following conditions:

SEVERABILITY CLAUSE –

Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

(1) OBEY ALL LAWS - Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

CRIMINAL COURT ORDERS: If respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

(2) COMPLY WITH THE BOARD'S PROBATION PROGRAM - Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, respondent's license shall be fully restored.

(3) REPORT IN PERSON - Respondent, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

(4) RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE - Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when he resides outside of California. The Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where he has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing license during the term of probation.

(5) SUBMIT WRITTEN REPORTS - Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which he has a registered nurse license.

(6) FUNCTION AS A REGISTERED NURSE - Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If respondent has not complied with this condition during the probationary term, and the respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS - Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to his employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, respondent shall notify the Board in writing within seventy-two (72) hours after he obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

(8) SUPERVISION - Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) **Maximum** - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- (b) **Moderate** - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.
- (c) **Minimum** - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.
- (d) **Home Health Care** - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by respondent with or without respondent present.

(9) EMPLOYMENT LIMITATIONS - Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

(10) COMPLETE A NURSING COURSE(S) - Respondent, at his own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of his probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to respondent after photocopying them for its records.

(11) COST RECOVERY – This provision is not applicable in this case.

(12) VIOLATION OF PROBATION - If respondent violates the conditions of his probation, the Board after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

(13) LICENSE SURRENDER - During respondent's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, respondent may surrender his license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- (1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
- (2) One year for a license surrendered for a mental or physical illness.

(14) PHYSICAL EXAMINATION – Not imposed.

(15) MENTAL HEALTH EXAMINATION - Respondent shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine his capability to perform the duties of a registered nurse, *including a determination as set forth below in Condition 16, "Rule out Substance Abuse Assessment."* The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of the respondent. Respondent shall institute and follow all recommendations for treatment, therapy or counseling made as a result of the mental health examination.

If respondent is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is required, until the Board has notified respondent that a mental health determination permits respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If respondent fails to have the above assessment submitted to the Board within the 45-day requirement, respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

16. RULE OUT SUBSTANCE ABUSE ASSESSMENT – If the examiner conducting the mental health examination determines that respondent is dependent on drugs or alcohol (i.e. drug dependence in remission or alcohol dependence in remission), that might reasonably affect the safe practice of nursing, then respondent must further comply with the following additional terms and conditions of probation:

(A) PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE - Respondent, at his expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, respondent, within 45 days from the effective date of

the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider respondent in violation of probation.

Based on Board recommendation, each week respondent shall be required to attend at least one but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

(B) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS -

Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of respondent's history of substance abuse and will coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances. The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

(C) SUBMIT TO TESTS AND SAMPLES - Respondent, at his expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when he is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and respondent shall be considered in violation of probation.

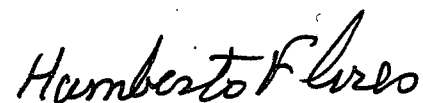
In addition, respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

(D) THERAPY OR DRUG COUNSELING PROGRAM – Respondent, at his expense, shall participate in an ongoing counseling program until such time as the Board releases him from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

DATED: October 5, 2012



HUMBERTO FLORES
Administrative Law Judge
Office of Administrative Hearings

Exhibit A

Statement of Issues Case No. 2012-569

1 KAMALA D. HARRIS
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2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 Morgan Malek
Deputy Attorney General
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5 Los Angeles, CA 90013
Telephone: (213) 897-2643
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Attorneys for Complainant
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
Against:

Case No. **2012-569**

12 **KUDZAI BLESSING CHANAIWA**
13 363 North 9th Street
14 Grover Beach, CA 93433

STATEMENT OF ISSUES

15 Registered Nurse License Application

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
21 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs (Board).

23 2. On or about December 17, 2010, the Board received a Registered Nurse License
24 Application from Kudzai Blessing Chanaiwa (Respondent). On or about November 18, 2010,
25 Kudzai Blessing Chanaiwa certified under penalty of perjury to the truthfulness of all statements,
26 answers, and representations in the application. The Board denied the application on
27 April 15, 2011.

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"(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • • •

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

• • • •

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . . ."

8. Section 2762 states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

• • • •

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof. . . ."

REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 1444 states:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or

1 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
2 safety, or welfare. . . ."

3 **FIRST CAUSE FOR DENIAL OF APPLICATION**

4 **(Substantially Related Convictions)**

5 10. Respondent's application is subject to denial under section 2761, subdivision (f), in
6 conjunction with California Code of Regulations, title 16, section 1444, in that Respondent was
7 convicted of substantially related crimes, as follows:

8 a. On or about April 5, 2006, after pleading nolo contendere, Respondent was convicted
9 of one misdemeanor count of violation Vehicle Code section 23152(b) [driving with an equal to
10 or greater than 0.08% blood alcohol, to wit, 0.15/015% BAC] in the criminal proceeding entitled
11 *The People of the State of California v. Kudzai Blessing Chanaiwa* (Super. Ct. San Luis Obispo
12 County, 2006, No. M000385633). The Court sentenced Respondent to 15 days in jail, placed him
13 on three (3) years probation, and ordered him to complete a Second Offender Alcohol/Drug
14 Program. The circumstances underlying the conviction are that on or about March 5, 2006,
15 Respondent was arrested for driving under the influence of alcohol, and having a tested blood
16 alcohol level of 0.15/0.15%.

17 b. On or about September 3, 2004, after pleading nolo contendere, Respondent was
18 convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [driving with an
19 equal to or greater than 0.08% blood alcohol, to wit, 0.19% BAC] in the criminal proceeding
20 entitled *The People of the State of California v. Kudzai Blessing Chanaiwa* (Super. Ct. San Luis
21 Obispo County, 2004, No. M000361086). The Court sentenced Respondent to two (2) days in
22 jail, placed him on three (3) years probation, and ordered him to complete a Driving While
23 Intoxicated 4-Month Program. The circumstances underlying the conviction are that on or about
24 July 26, 2004, Respondent was arrested for driving under the influence of alcohol, and having a
25 tested blood alcohol level of 0.20/.20%.

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1 **SECOND CAUSE FOR DENIAL OF APPLICATION**

2 **(Alcohol Related Convictions)**

3 11. Respondent's application is subject to denial under section 2761, subdivision (a),
4 and 2762, subdivision (c), on the grounds of unprofessional conduct, in that Respondent was
5 convicted of criminal offenses involving the consumption or self-administration of alcoholic
6 beverages. Complainant refers to and by this reference incorporates the allegations set forth
7 above in paragraph 10, subparagraphs a and b, inclusive, as though set forth fully.

8 **THIRD CAUSE FOR DENIAL OF APPLICATION**

9 **(Dangerous Use of Alcohol)**

10 12. Respondent's application is subject to denial under section 2761, subdivision (a),
11 and 2762, subdivision (b), on the grounds of unprofessional conduct, in that Respondent used
12 alcoholic beverages to an extent or in a manner dangerous to himself, or others. Complainant
13 refers to and by this reference incorporates the allegations set forth above in paragraphs 10 - 11,
14 inclusive, as though set forth fully.

15 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

16 **(Violations Set Forth in Bus. & Prof. Code § 480)**

17 13. Respondent's application is subject to denial under section 2736 for grounds set forth
18 in section 480, as follows:

19 a. Section 480, subdivision (a)(1). Respondent sustained two (2) criminal convictions.
20 Complainant refers to and by this reference incorporates the allegations set forth above in
21 paragraph 10, subparagraphs a and b, inclusive, as though set forth fully.

22 b. Section 480, subdivision (a)(3). Respondent's criminal actions are substantially
23 related and would have been grounds for discipline if committed by a licensee under sections 490,
24 2761(a)(d)(f), and 2762(b)(c). Complainant refers to and by this reference incorporates the
25 allegations set forth above in paragraphs 10 – 12, inclusive, as though set forth fully.

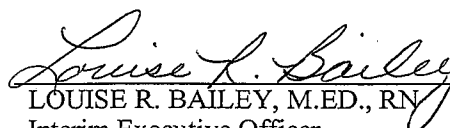
26 **PRAYER**

27 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
28 and that following the hearing, the Board of Registered Nursing issue a decision:

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1. Denying Kudzai Blessing Chanaiwa's Registered Nurse License Application; and
2. Taking such other and further action as deemed necessary and proper.

DATED: March 22, 2012


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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